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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,158	12/10/2003	Andrew Vadjinia	ANDVAD.0004P	5930
32856	7590	09/15/2008	EXAMINER	
WEIDE & MILLER, LTD. 7251 W. LAKE MEAD BLVD. SUITE 530 LAS VEGAS, NV 89128			SHEIKH, ASIF AND M	
ART UNIT	PAPER NUMBER	3627		
MAIL DATE		DELIVERY MODE		
09/15/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/733,158	<b>Applicant(s)</b> VADJINIA, ANDREW
	<b>Examiner</b> Asfand M. Sheikh	<b>Art Unit</b> 3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 10 December 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-19 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 10 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-166/08)  
 Paper No(s)/Mail Date 3/26/2004

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION*****Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5, 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (US 2003/011531 A1) in view of Showghi et al. (US 6,473,739 B1) in view of G&M Restaurant.

**Claims 1, 7, and 11**

Williams discloses a method of ordering and purchasing an alcoholic beverage by an individual using a portable information exchange device (see at least, [0041], [0043], and [0098]) comprising: consuming a first beverage at a first location (see at least, [0072]; the examiner notes that "wine tasting" would be an event in which a beverage would be consumed by multiple individuals); inputting alcoholic beverage qualifiers to the information exchange device for transmission to an information exchange device beverage server (see at least, [0072]); ordering the first beverage or a second beverage for purchase based on information provided by the information exchange device (see at least, [0072]); inputting an access code to access a secure account or profile (see at least, [0052]).

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Williams fails to disclose receiving the portable information exchange device; inputting or modifying delivery information on the information exchange device; receiving confirmation of the order and receiving the ordered beverage at a second location that is off-premise from the first location

Showghi discloses receiving the portable information exchange device (abstract and col. 6, lines 1-23); inputting or modifying delivery information on the information exchange device (abstract and FIG. 8); receiving confirmation of the order (abstract and col. 7, lines 16-33); and receiving the ordered beverage at a location (see at least, abstract and FIG. 4 and FIG. 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Williams to include receiving the portable information exchange device; inputting or modifying delivery information on the information exchange device; receiving confirmation of the order and receiving the ordered beverage at a location as taught by Showghi. One of ordinary skill in the art would have been motivated to combine the teachings in order to include a provision for remote payment for an order via a remote communications device in order to eliminate the distraction and hassle of engaging with cash and change situations at a event (see at least, Showghi, col. 2, lines 27-30).

William in view of Showghi fails to disclose receiving the ordered beverage at a second location that is off-premise from the first location

G&M Restaurant discloses receiving the ordered consumable at a second location that is off-premise from the first location (see at least, page(s) 1-3: the

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examiner notes the ability to ship crab cakes from the restaurant to a second location that is off-premise from the first location)10323858.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Williams in view of Showghi to include receiving the ordered consumable at a second location that is off-premise from the first location as taught by G&M Restaurant. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide finest consumables available at a restaurant and further the ability to ship the finest consumables available in order to enjoy authentic cuisine and make the dining experience the best ever (see at least, G&M Restaurant, page(s) 1-3).

#### Claim 2

William in view of Showghi disclose purchasing of beverages (as in claim 1) however fails to disclose wherein receiving the purchased beverages occurs via mail.

G&M Restaurant discloses wherein receiving the purchased consumable occurs via mail. (see at least, page(s) 1-3: the examiner notes the ability to ship crab cakes from the restaurant to a second location that is off-premise from the first location).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Williams in view of Showghi to include wherein receiving the purchased consumable occurs via mail as taught by G&M Restaurant. One of ordinary skill in the art would have been motivated

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to combine the teachings in order to provide finest consumables available at a restaurant and further the ability to ship the finest consumables available in order to enjoy authentic cuisine and make the dining experience the best ever (see at least, G&M Restaurant, page(s) 1-3).

Claim 5

Williams discloses entering an access code (as in claim 1) however fails to disclose wherein the access code comprises a credit card number that serves as a secure account for billing to the individual.

Showghi discloses wherein the access code comprises a credit card number that serves as a secure account for billing to the individual (see at least, abstract and FIG. 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Williams to wherein the access code comprises a credit card number that serves as a secure account for billing to the individual as taught by Showghi. One of ordinary skill in the art would have been motivated to combine the teachings in order to include a provision for remote payment for an order via a remote communications device in order to eliminate the distraction and hassle of engaging with cash and change situations at a event (see at least, Showghi, col. 2, lines 27-30).

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Claims 3, 4, 6, 8-10, 12-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (US 2003/011531 A1) in view of Showghi et al. (US 6,473,739 B1) in view of G&M Restaurant as applied to claim 1 above, and further in view of Examiner's Official Notice.

Claim 3, 6, and 13

Williams discloses wherein receiving the ordered beverage occurs by the individual picking up the purchased beverage from a designated location (see at least, [0068] and [0072])).

Williams in view of Showghi and G&M Restaurant fails to disclose receiving the ordered beverage occurs by the individual picking up the purchased beverage from the second location which comprises a retail location.

The examiner takes Official Notice that it is old and well known in the electronic shopping arts to order and item from one location (e.g. from your home) and pick it up at a retail location (e.g. B&M store) that is within the local proximity of a user (e.g. closest stores in a 25 mile radius within a given state) (the examiner notes that a consumer can purchase items via a merchants internet page and instead of having it delivered to the home address the consumer can go pick up the item from the merchants brick and mortar store in order to save time on delivery).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Williams in view of Showghi and G&M Restaurant to include the feature taught by the Examiner's Official Notice.

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One of ordinary skill in the art would have been motivated to combine the teachings in order to save time on delivery by receiving the item from a retail location.

Claim 4, 12, and 18-19

Williams in view of Showghi and G&M Restaurant discloses receiving an ordered beverage from an establishment at the second location (as in claim 1: the examiner notes G&M Restaurant is considered an establishment).

Williams in view of Showghi and G&M Restaurant fails to disclose wherein receiving the ordered beverage comprises receiving the beverage directly from a winery or wine shop and ship the wine to the second location.

The examiner takes Official Notice that it is old and well known in the wine arts to have a winery ship or specific wine shop ship wine to a second location (e.g. distributor, retail shop, or consumer) and further in the electronic shops to have a manufacturer/retailer to directly ship items to a second location (e.g. distributor, retail shop, or consumer).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Williams in view of Showghi and G&M Restaurant to include the feature taught by the Examiner's Official Notice. One of ordinary skill in the art would have been motivated to combine the teachings in order to directly ship goods from a main location in which the origins are known in order to avoid fraudulent purchases.

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Claim 8

Williams discloses having an account profile (see at least, [0052]) however fails to explicitly disclose wherein the payment information and the destination location may be contained within a customer account or customer profile.

The examiner takes Official Notice that it is old and well known in the electronic shopping arts to have an account that contains stored payment information and destination location (e.g. an account will contain a recently used or stored credit card and the default billing and shipping address).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Williams in view of Showghi and G&M Restaurant to include the feature taught by the Examiner's Official Notice. One of ordinary skill in the art would have been motivated to combine the teachings in order to maintain customer information without the customer having to reenter existing information over and over during each transaction.

Claims 9-10 and 14

Williams in view of Showghi and G&M Restaurant discloses a restaurant that represents an on-premise location in which one or more consumable can be consumable and further receiving the consumable at a home of a customer (as in claim 1) however fails to disclose wherein the restaurant serves wine as the consumable.

However the examiner takes Official Notice that it is old and well known in the restaurant arts to allow for a restaurant to offer a consumable (e.g. food or

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beverage) and have it distributed to other locations (e.g. home of a customer or a distributor) (e.g. a restaurant that contains a microbrewery can have its bottled and distributed to local distrusted beer re-seller).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Williams in view of Showghi and G&M Restaurant to include the feature taught by the Examiner's Official Notice. One of ordinary skill in the art would have been motivated to combine the teachings in order to allow a customer to sample an offering before actually investing the purchasing of a consumable in order to make sure the customer is thoroughly satisfied with the purchase.

#### Claim 15-16

Williams in view of Showgi and G&M Restaurant discloses a system for purchasing an alcoholic beverage by a user comprising: an information exchange device configured to communicate over a wireless link with a server, the information exchange device further configured to receive a request from the user for delivery of a beverage at a later time at a different location; a server configured to store beverage information and have it shipped to a user (as in claim 1) however fails to disclose communicating with an off-premise location to provide beverage information to the off-premise location, wherein the off-premise location is configured to receive beverage information from the server and in response to the beverage information ship the beverage to the user.

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However the examiner takes Official Notice that it is old and well known in the electronic shopping arts to have a central exchange device configured to receiver orders and then forward the orders to an another location for processing and further shipping the item to the user (e.g. Amazon can receive orders at a central location and then forward the orders to different distribution centers for processing and shipping from a closer distribution center in order for the customer to receive the order much more quickly) and further access account information from a customer information repository.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Williams in view of Showghi and G&M Restaurant to include the feature taught by the Examiner's Official Notice. One of ordinary skill in the art would have been motivated to combine the teachings in order for the customer to receive the order much more quickly from a closer distribution center.

#### Claim 17

Williams in view of Showgi and G&M Restaurant fails to disclose wherein the information exchange device is stationary and is configured to communicate wireless with the server.

However the examiner takes Official Notice that it is old and well known in the electronic shopping arts to a stationary kiosk at a given retail location and have the kiosk be able to communicate wirelessly to a server to submit account/order information.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Williams in view of Showghi and G&M Restaurant to include the feature taught by the Examiner's Official Notice. One of ordinary skill in the art would have been motivated to combine the teachings in order for a consumer to order directly from kiosk that is present at a retail location thereby having retail help present for extra information and answering questions during the order process.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571)272-1466. The examiner can normally be reached on 9a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Asfand M. Sheikh/  
Examiner, Art Unit 3627

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit 3627